

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

United States of America

v.

Case No. 19-cr-47-10-SM
Opinion No. 2022 DNH 032

Mallory Nooks

ORDER

Defendant's motion for "compassionate release" from incarceration under the First Step Act, 18 U.S.C. § 3582(a)(1)(A) is properly before the court as defendant has exhausted available administrative remedies. The government concedes that defendant's various medical conditions put her at a heightened risk of serious illness posed by the spread of the COVID-19 virus and its variants. (Defendant has tested positive.) Accordingly, the government concedes that defendant has made the requisite showing of an "extraordinary and compelling reason" warranting a reduction of her sentence. (defendant also argues that her co-defendant mother needs her care and assistance at home.)

At this point, widespread distribution and availability of highly effective vaccines, and treatment regimens, have substantially reduced the risks of serious illness and death from COVID-19 variants. But even accepting that defendant's medical conditions present "extraordinary and compelling" reasons supporting compassionate release, she must also show that such release would be consistent with the sentencing

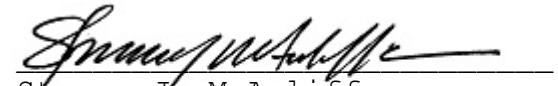
factors set out in 18 U.S.C. § 3553(e), and Sentencing Commission policies (though that is not strictly required under the First Step Act). That she cannot do.

Defendant was engaged in crack cocaine distribution in significant quantities, while carrying a loaded firearm, as part of a larger conspiracy. She continues to pose a danger to the community if released early. She has served just over one-half of the sentence imposed, and early release would be inconsistent with the sentencing principles described in 18 U.S.C. § 3553(e), specifically, service of a just sentence proportionate to the criminal conduct, and the need for specific and general deterrence.

Conclusion

The motions for compassionate release (doc. nos. 351 and 376) are necessarily denied for the reasons given, and those articulated in the government's opposition memorandum.

SO ORDERED.



Steven J. McAuliffe
United States District Judge

March 14, 2022

cc: Anna Krasinski, AUSA
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U.S. Probation
U.S. Marshal